

hour to available hours earlier in the day rather than canceling the flights during the DCA construction and closure periods. Southwest does not oppose the waiver request filed by A4A but “believes that FAA should pursue the goal of enabling carriers to maintain all possible capacity at DCA to promote competition, maintain low fares, and ensure nonstop travel options for the flying public.” Southwest states there is available capacity in other hours for Southwest to move its flights without exceeding hours limits based on 60 operations per hour.<sup>8</sup>

#### FAA Analysis and Decision

The FAA has determined the DCA airport construction and runway closures warrant limited, conditional relief from the minimum slot usage requirements because the impacts to operations in certain hours are beyond the carriers’ control and will exist for several months. The closures from 2300–0559 Eastern Time are expected to impact operations as described by A4A and Southwest.

DCA is a high-demand airport, and carriers have indicated they plan to operate flights if feasible. There are typically 15 to 16 arrivals in the 2300 hour with the corresponding aircraft used for departures in the morning hours with additional potential for a few cancellations in the late evening hours and the corresponding departures. The FAA is not limiting the relief to certain hours in order to provide some degree of flexibility to carriers to allow them to balance schedules and slot pairs. However, the FAA may require carriers to justify how returned slots are impacted by the runway closure if returned slots are not during or adjacent to the runway closure periods.

The FAA will work individually with carriers on retiming and schedule adjustment options; however, the FAA will not retime air carrier operations into hours that are currently at the air carrier slot limit. The FAA notes that carriers at DCA regularly engage in swapping slots for retiming purposes or in temporary leasing of slots and those options remain available for carriers to manage slot holdings at the airport.

In addition, the FAA is extending a limited, conditional waiver from minimum usage requirements at JFK and LGA and providing similar relief at

EWR under the Level 2 process for departure slots or approved schedules between 2100 and 2200 used for nonstop service to DCA, as well as slots or approved schedules associated with a DCA departure between 0500 and 0659 used for nonstop service to those slot-controlled or schedule facilitated New York City area airports. Carriers may also choose to use those slots at JFK and LGA or the approved runway times at EWR for operations to other markets than DCA.

The FAA will treat as used the specific slots impacted by the construction for the period from April 1, 2023, through November 30, 2023. This provides some time before and after the currently planned runway closure dates to accommodate potential changes to the construction schedule and provide carriers that may need some relief on either side of the current anticipated construction dates to phase in or phase out current operations. The relief is subject to the following conditions:

1. The specific slots must be returned to the FAA at least four weeks prior to the date of the FAA-approved operation, by submission to [7-awa-slotadmin@faa.gov](mailto:7-awa-slotadmin@faa.gov).

2. Slots newly allocated after December 1, 2022, for initial use before November 30, 2023, are not eligible for relief.

3. Slots authorized at DCA by Department of Transportation or FAA exemptions are not eligible for relief.

4. At JFK, LGA, and EWR only departure slots or approved schedules between 2100 and 2200 used for nonstop service to DCA and slots or approved schedules associated with a DCA departure between 0500 and 0659 used for nonstop service to those slot-controlled or schedule facilitated New York City area airport are eligible for relief.

Issued in Washington, DC.

**Marc A. Nichols,**  
*Chief Counsel.*

**Alyce Hood-Fleming,**  
*Vice President, System Operations Services.*  
[FR Doc. 2022–27967 Filed 12–23–22; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 31463; Amdt. No. 4039]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective December 27, 2022. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 27, 2022.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

#### For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

<sup>8</sup> The High Density Rule hourly limits for DCA are 37 air carrier slots, 11 commuter slots, and 12 reservations available for Other operations. The Other category is limited to unscheduled operations such as general aviation, charters, military, and non-passenger flights and is not intended for scheduled flight or other regularly conducted commercial operations.

**Availability**

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at [nfdc.faa.gov](https://nfdc.faa.gov) to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:**

Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPs, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, 8260-15B, when required by an entry on 8260-15A, and 8260-15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the type of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

**Availability and Summary of Material Incorporated by Reference**

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff

Minimums and/or ODPs as identified in the amendatory language for Part 97 of this final rule.

**The Rule**

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore-(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Lists of Subjects in 14 CFR Part 97**

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on December 9, 2022.

**Thomas J. Nichols,**

*Aviation Safety, Flight Standards Service Manager, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.*

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721-44722.

■ 2. Part 97 is amended to read as follows:

*Effective 26 January 2023*

Winchester, IN, I22, RNAV (GPS) RWY 26, Amdt 1A  
Kill Devil Hills, NC, KFFA, RNAV (GPS) RWY 3, Orig-A  
Kill Devil Hills, NC, KFFA, RNAV (GPS) RWY 21, Orig-A

*Effective 23 February 2023*

Sitka, AK, PASI, VOR/DME-A, Amdt 1, CANCELED  
Auburn, AL, KAUF, VOR-A, Amdt 8B, CANCELED  
Phoenix, AZ, KDVT, DEER VALLEY TWO, Graphic DP  
Phoenix, AZ, KDVT, Takeoff Minimums and Obstacle DP, Amdt 7  
San Jose, CA, KSJC, RNAV (GPS) Y RWY 30L, Amdt 4A  
San Jose, CA, KSJC, RNAV (GPS) Y RWY 30R, Amdt 4B  
Denver, CO, KAPA, ILS OR LOC RWY 35R, Amdt 11B  
Denver, CO, KAPA, RNAV (GPS) RWY 17L, Amdt 2A  
Denver, CO, KAPA, RNAV (GPS) RWY 35R, Amdt 1B  
Ocala, FL, KOCF, ILS OR LOC RWY 36, Amdt 2  
Ocala, FL, KOCF, VOR RWY 36, Amdt 19  
Gainesville, GA, KGVL, ILS OR LOC RWY 5, Amdt 1  
Gainesville, GA, KGVL, RNAV (GPS) RWY 5, Amdt 2  
Gainesville, GA, KGVL, RNAV (GPS) RWY 23, Amdt 2  
Jasper, GA, KJZP, RNAV (GPS) RWY 16, Amdt 1A  
Atlantic, IA, KAIO, RNAV (GPS) RWY 20, Amdt 1D  
Harlan, IA, KHNR, RNAV (GPS) RWY 15, Amdt 1

Rock Rapids, IA, KRRQ, RNAV (GPS) RWY 34, Amdt 1B

Anthony, KS, KANY, RNAV (GPS) RWY 18, Amdt 2A

Hugoton, KS, KHQG, RNAV (GPS) RWY 20, Orig-C

Marysville, KS, KMYZ, RNAV (GPS) RWY 16, Orig-C

Washington, KS, K38, RNAV (GPS) RWY 17, Amdt 1C

Murray, KY, KCEY, LOC RWY 23, Amdt 2C, CANCELED

Augusta, ME, KAUG, RNAV (GPS) RWY 8, Amdt 2, CANCELED

Augusta, ME, KAUG, Takeoff Minimums and Obstacle DP, Amdt 5

Allegan, MI, 35D, RNAV (GPS) RWY 11, Orig-D

Allegan, MI, 35D, RNAV (GPS) RWY 29, Orig-C

Three Rivers, MI, KHAI, VOR-A, Amdt 10A, CANCELED

Fairmont, MN, KFRM, RNAV (GPS) RWY 13, Orig-C

Rush City, MN, KROS, NDB RWY 34, Orig-B, CANCELED

Windom, MN, KMWM, RNAV (GPS) RWY 35, Amdt 1C

Worthington, MN, KOTG, RNAV (GPS) RWY 11, Amdt 1A

Worthington, MN, KOTG, RNAV (GPS) RWY 18, Amdt 1A

Farmington, MO, KFAM, RNAV (GPS) RWY 2, Amdt 1A

Natchez, MS, KHEZ, Takeoff Minimums and Obstacle DP, Orig-A

Liberty, NC, 2A5, RNAV (GPS) RWY 2, Orig-C, CANCELED

Liberty, NC, 2A5, RNAV (GPS) RWY 20, Orig-B, CANCELED

Liberty, NC, 2A5, Takeoff Minimums and Obstacle DP, Amdt 1, CANCELED

Omaha, NE, KOMA, RNAV (GPS) Y RWY 36, Amdt 2A

Newark, NJ, KEWR, GLS RWY 22L, Amdt 1

Newark, NJ, KEWR, GLS RWY 22R, Amdt 2

Deming, NM, KDMN, Takeoff Minimums and Obstacle DP, Amdt 3

Deming, NM, KDMN, VOR RWY 26, Amdt 10B, CANCELED

Deming, NM, KDMN, VOR-B, Orig

Jackson, OH, KJRO, RNAV (GPS) RWY 19, Amdt 1F

Lancaster, SC, KLKR, NDB RWY 24, Amdt 5, CANCELED

Burnet, TX, KBMQ, RNAV (GPS) RWY 1, Orig-F

Burnet, TX, KBMQ, RNAV (GPS) RWY 19, Orig-E

Burnet, TX, KBMQ, Takeoff Minimums and Obstacle DP, Amdt 2A

Mesquite, TX, KHQZ, ILS OR LOC RWY 18, Amdt 1D, CANCELED

Mesquite, TX, KHQZ, LOC/DME BC RWY 36, Amdt 4, CANCELED

Mineola/Quitman, TX, KJDD, RNAV (GPS) RWY 18, Orig-E

Paris, TX, KPRX, VOR RWY 35, Amdt 2C

Stratford, TX, H70, Takeoff Minimums and Obstacle DP, Amdt 4A, CANCELED

Milwaukee, WI, KMKE, RNAV (GPS) RWY 7L, Amdt 1A

*Rescinded:* On November 25, 2022 (87 FR 72383), the FAA published an Amendment in Docket No. 31456, Amdt No. 4033, to Part 97 of the Federal Aviation Regulations under

section 97.33. The following entries for, Tulsa, OK, effective December 29, 2022, is hereby rescinded in its entirety:

Tulsa, OK, KTUL, RNAV (GPS) RWY 36L, Amdt 1A

[FR Doc. 2022-28112 Filed 12-23-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 31464; Amdt. No. 4040]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective December 27, 2022. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 27, 2022.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

#### For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590-0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

#### Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at [nfdc.faa.gov](https://nfdc.faa.gov) to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

#### FOR FURTHER INFORMATION CONTACT:

Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P-NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

#### Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff